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August 16, 1971

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P. O. Box 781
Manila, Philippines 12105

COPY

RE: Philippine Patent Application
Serial No. 10292
Filed: May 2, 1969
For: "Smoking Product and Method of Making the Same
Our Ref.: 582-534 Philippines

Dear Sirs:

This acknowledges your letter of June 24, 1971, and a copy of the Examiner's Paper No. 4.

In answer to the Examiner's rejection of claims, we suggest that the present set of claims be withdrawn and replaced with the claims that have been allowed in our corresponding U.S. Patent Application Serial No. 728,140 which has now become Patent No. 3,526,904 dated September 1, 1970, and reading as given below. The Philippines application was based on our U.S. case as indicated in the Oath, Power of Attorney and Petition. We believe that the Examiner's objections with respect to the original set of claims can be overcome by substituting the claims allowed in the United States.

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1. A cigarette wrapper or the like comprising a combustible material having spaced apertures therein, and a film formed from a non-toxic filling material normally closing said apertures, which filling material comprises an organic water-soluble material selected from the group consisting of polyvinyl alcohol, polyethylene oxide, polyethylene glycol and dextrin.

2. The cigarette wrapper of claim 1, wherein said film is a three-dimensional cellular structure, including a multiplicity of discrete microscopic or sub-microscopic enclosed voids beneath the outer surface thereof and distributed throughout the volume of the structure.

3. The cigarette wrapper of claim 1 wherein said water-soluble filling material is polyvinyl alcohol.

4. The cigarette wrapper of claim 1 wherein said water-soluble filling material is polyethylene oxide.

The Examiner had objected to the alternatives he noted with respect to claims 1 - 3. We believe that his objection is not warranted in view of the fact that it is now common practice to use alternative terms where their meaning is clear. You will note that the claims allowed by the U.S. Patent Office contain the same terms to which the Examiner objects.

The Examiner's statement that claims 1 - 3 are improperly drafted should be overcome by substitute claims we are now presenting.

The objections with regard to the breath of the term "non-toxic filling material" is overcome in the claims by specifically reciting the particular materials we have disclosed. With regard to the alleged objection to "cellular thermoplastic material", it will be noted that newly proposed claim 2 while maintaining the cellular structure recitation is dependent upon claim 1 which clearly identifies the structure we are claiming.

The Examiner's objection to the expression "or" should be argued in view of the fact that the meaning is clear and it will be noted that newly submitted claim 2 contains this expression which was

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allowed in the United States.

In accordance with the Examiner's request we are herewith transmitting a copy of U.S. Patent No. 3,511,247.

Very truly yours,

Louis H. Baer

LHB:sr
Enclosure

PS: We wish to call your attention to the fact that we have also received from you a communication dated June 26, 1971, dealing with what is stated to be a Patent Application of Serial No. 10291. That letter also contains an Official Action dealing with the same serial number namely 10291. We believe that the Official Action actually should have referred to 10292 upon which we have commented above and we further believe that instead of asking for a copy of Patent No. 3,511,247 the Examiner with respect to Philippines application 10292 should have asked for Patent No. 3,526,904. Our reason for the apparent error for the Official Action is based on the fact that it deals with claims 1 to 4 which is present in 10292 but not in 10291. However, if you will note our comments with respect to both applications I think that you will be able to adjust our comments to the proper application regardless of the Examiner's error in giving erroneous serial numbers.

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